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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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|------------------|-------------------------------------|---------------|-----------------|
| Application No.: | 09/592,462 | Examiner: | PATTERSON, M.D. |
| Filing Date: | June 9, 2000 | Art Unit: | 3728 |
| First Inventor: | Tracy E. Grim, et al. | Customer No.: | 23364 |
| Attorney No.: | GRIM3034RE/JJC | Confirm. No.: | n/a |
| For: | FOOTGEAR WITH PRESSURE RELIEF ZONES | | |

SUBMISSION OF REVISED REISSUE DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As requested by the examiner, a revised reissue declaration is submitted herewith. The revised reissue declaration specifies a claim where an error occurred, as in claim 19, which is identified in the declaration.

It will be noted that only two of the inventors, Tracy E. Grim and Kevin O'Donnell, signed the revised reissue declaration. The third listed inventor, Eric G. Montag has not signed the declaration due to his unavailability. A petition was granted on August 15, 2005 which accepts a reissue declaration in this application to be signed by only the inventors Tracy E. Grim and Kevin O'Donnell. A copy of the petition is provided herewith.

Two copies of the revised reissue declaration are provided herewith in which each inventor, Tracy E. Grim and Kevin O'Donnell, signed his own copy of the declaration. Aside from the different signatures, the declarations are the same.

A document with a revised statement under 37 CFR 3.73(b) and change of correspondence address, and a new power of attorney in view of the recently filed

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documents indicating assignment of the application by the inventor Eric G. Montag, are both filed concurrently herewith.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Facsimile: (703) 683-1080

Date: May 14, 2007

Respectfully submitted,

/Justin J. Cassell, Reg. # 46,205/

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Attorney for Applicant
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AUG 15 2005

OFFICE OF PETITIONS

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|---|---|--------------------------|
| In re Application of | : | |
| Tracy E. Grim, Kevin R. O'Donnell, and Eric | : | |
| G. Montag | : | |
| Application No. 09/592,462 | : | DECISION ON PETITION |
| Filed: June 9, 2000 | : | UNDER 37 C.F.R. §1.47(a) |
| Attorney Docket Number: 480032-307 | : | |
| Title: FOOTGEAR WITH PRESSURE | : | |
| RELIEF ZONES | : | |

This is in response to the petition under 37 C.F.R. §1.47(a), filed May 10, 2005.

A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

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Decision on Petition

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The above-identified reissue application was filed on June 9, 2000, identifying Tracy E. Grim, Kevin R. O'Donnell, and Eric G. Montag as joint inventors. No oath or declaration was submitted on filing, nor prior to the filing of the present petition.

Submitted with the present petition, is a declaration signed by Tracy E. Grim and Kevin R. O'Donnell. While the signature of Eric G. Montag is absent from the declaration, Petitioner has met each of the 5 requirements set forth above.

Accordingly, the petition is **GRANTED** and this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor (Eric G. Montag) at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office